

Expedited Bill No. 3-10
Concerning: Streets and roads –
Sidewalks – Public hearing
requirement
Revised: 2/18/10 Draft No. 3
Introduced: January 19, 2010
Enacted: March 2, 2010
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Floreen, [[Councilmembers]] Councilmember Leventhal [[and Berliner]],
and Council Vice President Ervin

AN EXPEDITED ACT to:

- (1) waive the required public hearing under certain circumstances before certain sidewalks or shared use paths are approved; and
- (2) generally amend the law governing sidewalk and shared use path approval and construction.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-53 and 49-54

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 49-53 and 49-54 are amended as follows:

49-53. Public hearing; notice.

* * *

(d) A public hearing need not be held under this Section before a sidewalk or shared use path is constructed if:

(1) the sidewalk or path can be constructed entirely in one or more existing public rights-of-way without a detailed engineering design;

(2) (A) a civic association, homeowner's association, or other organization, which includes a substantial number of [[property]] owners [[who would be benefited by construction]] of property located on the proposed route of the sidewalk or path, has filed a notice of its support for the sidewalk or path with the Executive or a designee; or

(B) if no such organization has filed a notice of support, a petition signed by a [[substantial number]] majority of [[property]] owners [[who would be benefited by construction]] of property located on the proposed route of the sidewalk or path has been filed with the Executive or a designee; and

(3) the Executive finds, after the Executive's designee has given notice to and met with residents of the area, that no significant [[issues have not]] controversy has arisen that would require a public hearing to be held.

49-54. Authorization of construction; recommendation of assessments to Council.

(a) If, after the hearing, [provided for in] if any, required by Section 49-53

is held, the County Executive finds that the public interest requires all or part of any road construction project under consideration to be carried out, the Executive must authorize the road to be built as required in this Chapter.

- (b) As soon as practicable after the Executive authorizes the road under this Section, and after the hearing, if required, is held under Section 49-53, the County Executive must forward to the County Council a written report recommending any proposed assessments based on the estimated cost of building the road. The report must describe the work to be done and state, with particularity, what portion of the cost of the construction, if any, should be paid by the adjacent properties and what portion, if any, of the cost should be paid by the County under this Chapter.

* * *

Sec. 2. Expedited Effective Date.

The Council declares that this Act is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

Approved:

Nancy Floreen
Nancy Floreen, President, County Council

3/4/10
Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date